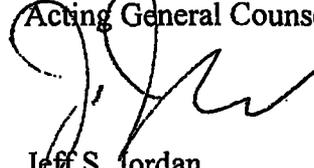


MUR 7367
Brindisi for Congress, *et al.*

If you have any questions, please contact the attorney assigned to this matter, Don Campbell, at (202) 694-1551.

Sincerely,
Lisa J. Stevenson
Acting General Counsel



BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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1 reports filed with the Commission.² Respondents also state that these contributions were within
2 the Act's limits and contained only federally permissible funds.³

3 **B. Legal Analysis**

4 The Act and Commission regulations prohibit a federal candidate from soliciting,
5 receiving, directing, transferring or spending funds in connection with a federal campaign unless
6 the funds are in amounts and from sources permitted by the Act.⁴ Further, Commission
7 regulations prohibit the transfer of funds from a candidate's nonfederal campaign committee to
8 his or her federal committee.⁵

9 The Federal Committee's reports reveal that the State Committee made two \$1,000
10 contributions to the Federal Committee, which accepted them. As federal candidates are
11 prohibited from transferring funds from their state committees to their federal committees, the
12 State Committee should not have made the contributions, and the Federal Committee should not
13 have accepted them.

14 Since the amount at issue is *de minimis*, the Commission exercises its prosecutorial
15 discretion and dismisses the allegations as to all Respondents,⁶ and reminds the State Committee
16 and the Federal Committee of the prohibition at 11 C.F.R. § 110.3(d).

² Resp. at 1-2 (June 15, 2018). *See also* Brindisi for Congress 2017 October Quarterly at 193, available at <http://docquery.fec.gov/pdf/854/201710139075643854/201710139075643854.pdf>, and Brindisi for Congress 2018 April Quarterly at 396, available at <http://docquery.fec.gov/pdf/665/201804159108235665/201804159108235665.pdf>.

³ Resp. at 2 n.6; *see* 52 U.S.C. § 30116(a)(1)(A), 11 C.F.R. § 110.1.

⁴ 52 U.S.C. § 30125(e)(1).

⁵ 11 C.F.R. § 110.3(d).

⁶ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). The Complaint also makes allegations that Brindisi was "using money" to attend "events" that he was attending as congressional candidate. The Commission dismisses this allegation because it is vague and unsupported. *Id.*

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